

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Dennis J. Jones, Jr.)	Art Unit: 1751
)	
Application No. 10/627,945)	Examiner: Ogden Jr., N.
)	
Filing Date: July 24, 2003)	Confirmation: 3664
)	
For: METHODS OF TREATING AND AND)	
CLEANING FIBERS, CARPET YARNS)	
CARPETS)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 23859
February 14, 2008

Sir:

In response to the Notification of Non-Compliant Amendment mailed January 22, 2008, please find enclosed the corrected heading as required by the Notification.

Amendments to the Appeal Brief appear on page 2 of this paper.

Remarks appear on page 3 of this paper.

The **Conclusion** appears on page 4 of this paper.

A **Substitute Page 2** is enclosed herewith on a separate page.

AMENDMENTS TO THE APPEAL BRIEF

In amendments to the Appeal Brief, additions are represented by **underlining** and deletions are represented by **~~striketrough~~** or, in cases of five characters or fewer, by **[[double brackets]]**.

Please amend the heading of item number (5) – on page 2, line 11 of the Appeal Brief – as shown below:

(5) SUMMARY OF ~~THE INVENTION~~ CLAIMED SUBJECT MATTER

REMARKS

Claims 45, 47-53, and 70-82 stand finally rejected by the Examiner in a final Office Action mailed May 17, 2007. On January 2, 2008, Applicant filed an Appeal Brief appealing the rejection of claims 45, 47-53, and 70-82.

Amendments to the Appeal Brief

The Notification alleges that the Brief does not comply with 37 C.F.R. § 41.37 in that the heading “Summary of the Invention” on page 2 of the Brief should instead read “Summary of Claimed Subject Matter.”

The heading of item (5) of the Appeal Brief has been amended herein to read “SUMMARY OF CLAIMED SUBJECT MATTER.” Thus, it is believed that this objection is overcome.

Substitute Page 2

Pursuant to MPEP § 1205.03 (“The examiner should not require a corrected brief for minor non-compliance in an appeal brief (e.g., the brief has a minor error in the title of a section heading).”), Applicant has not submitted herewith a corrected brief. Rather, for Examiner’s convenience, Applicant submits herewith substitute page 2 bearing the amended item (5) heading.

CONCLUSION

In view of the present Response and enclosed submission of substitute page 2, for at least the reasons set forth in the amended Appeal Brief, the Appellant respectfully requests reversal of the pending rejections.

A period was set for response, nominally ending the later one month or thirty days from the mailing date of the Notification of Non-Compliant Appeal Brief mailed January 22, 2008. Therefore, this paper is timely.

No fee is believed due. However, the Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,
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/D. Brian Shortell/

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CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence – including any items indicated as attached, enclosed, or included – is being transmitted by EFS-WEB on the date indicated below.

/D. Brian Shortell/

D. Brian Shortell, JD, PhD

February 14, 2008

Date

(1) REAL PARTY IN INTEREST

The real party in interest is Columbia Insurance Company, owner of the Application.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to Appellant or the undersigned.

(3) STATUS OF CLAIMS ON APPEAL

Claims 45, 47-53, and 70-82 stand finally rejected by the Examiner in a final Office Action mailed May 17, 2007 ("Office Action"). The rejection of claims 45, 47-53, and 70-82 is being appealed.

(4) STATUS OF AMENDMENTS

No amendments have been filed subsequent to the Office Action.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 45 recites an aqueous treating composition [Page 5, line 30 – page 6, line 10] comprising tannic acid having a gallic acid content of less than about 1.0 parts by weight (pbw) [Page 6, line 12 – page 7, line 8; page 31, line 1 - 28], wherein the tannic acid is present in the aqueous treating composition at up to about 0.5 pbw, based on a total weight of the aqueous treating composition [Page 7, lines 1-7].

Independent claim 70 recites a two-part aqueous treatment [Page 19, lines 10-26; page 20, line 26 – page 21, line 22] comprising: a. a first aqueous treating composition comprising tannic acid [Page 6, line 12 – page 7, line 8; page 31, line 1 - 28]; and b. a separate second topical treating composition comprising a fluorochemical [Page 20, line 26 – page 21, line 22].

Independent claim 80 recites a fiber, yarn or carpet [Page 21, line 24 – page 24, line 6] comprising tannic acid [Page 21, lines 25-32] and a topically applied fluorochemical [Page 22, lines 4-12].